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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,237	07/02/2003	Bruce Albrecht	ITW7510.069	1236
33647	7590	02/18/2005	EXAMINER	
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)			SHAW, CLIFFORD C	
14135 NORTH CEDARBURG ROAD			ART UNIT	PAPER NUMBER
MEQUON, WI 53097			1725	

DATE MAILED: 02/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,237	ALBRECHT ET AL.	
	Examiner	Art Unit	
	Clifford C Shaw	1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1115_0124</u> . | 6) <input type="checkbox"/> Other: ____. |

Detailed Action

1.) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.) Claims 1, 5, 6, 9, 10, 18, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by the Japanese document no. JP60-64769A. The English abstract and figures 1-4 of the Japanese document no. JP60-64769A disclose a welding-type apparatus with features claimed, including: an enclosure associated with elements 5-7 for a power source in element 1; a gas cylinder in the area associated with element 2; a valve and a gauge at elements 14 and 15; a door 8 allowing access through the enclosure to the regulator. In regard to method claims 18 and 19, the system of the Japanese document no. JP60-64769A must necessarily be constructed in the manner claimed, i.e., a power supply must be positioned with respect to a base, a supporting system for the gas cylinders must be provided, and a housing must be formed to produce the system shown in the Japanese document no. JP60-64769A.

3.) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.) Claims 8, 23-26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A. The Japanese document no. JP60-64769A discloses the subject matter claimed except for explicit mention of the opening and door of the claims. This difference does not patentably distinguish over the prior art. Figure 2 of the Japanese document no. JP60-64769A discloses a side wall on the overall enclosure and figure 4 discloses a see-through view of this sidewall with structural elements that would prevent any type of side loading of the gas cylinders in the Japanese document no. JP60-64769A. Since the gas cylinders in the Japanese document no. JP60-64769A cannot be loaded from the side, it is obvious that they are loaded from an opening in the rear of the housing, since this would be the only option for the configuration shown. It would have been obvious that this loading include a door since the housing of the system in the Japanese document no. JP60-64769A is closed, and a door would provide the needed access to change the gas cylinders.

5.) Claims 2, 21, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with Fronius (4,521,672). The Japanese document no. JP60-64769A discloses the subject matter claimed, except for the particular power supply. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have used the housing approach taught by the Japanese document no. JP60-64769A with any well known type of welding power supply. In particular, it would have been obvious to have used the housing of the Japanese document no. JP60-64769A in conjunction with an inverter based power supply, the motivation

Art Unit: 1725

being the teachings of Fronius (4,521,672) that such is advantageous for welding (see elements 2 and 3 in Fronius (4,521,672)), thereby satisfying the claims.

6.) Claims 20 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with Wilson (3,458,681). The Japanese document no. JP60-64769A discloses the subject matter claimed except for the limitations directed to an external gas tank. This difference does not patentably distinguish over the prior art. At the time applicant's invention was made, it would have been obvious to have provided the system of the Japanese document no. JP60-64769A with an external gas connection, the motivation being the teachings of Wilson (3,458,681) that an external gas connection is advantageous in a portable gas welding system (see external connection 35 in figure 8 and see the discussion at column 5 in Wilson (3,458,681)).

7.) Claims 3, 4, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with the German document no. G8308999.3U1 (cited by applicant). The Japanese document no. JP60-64769A discloses the subject matter claimed except for the wire feeder and the welding gun. These differences do not patentably distinguish over the prior art. It would have been obvious to have incorporated a wire feeder into the housing of the Japanese document no. JP60-64769A and to have used the Japanese document no. JP60-64769A in conjunction with a welding gun, the motivation being the teachings of the German document no. G8308999.3U1 that it is advantageous to include a wire feeder and

Art Unit: 1725

welding gun in a welding power supply/gas supply housing (see the English translation and elements 3 and 10 in the figure of the German document no. G8308999.3U1).

8.) Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with Brugerolle et al. (5,472,024, cited by applicant). The Japanese document no. JP60-64769A discloses the subject matter claimed except for the limitations associated with a valve and gauge outside the housing. This difference does not patentably distinguish over the prior art. It would have been obvious to have located the valve and gauge in the Japanese document no. JP60-64769A in any convenient spot. In particular, it would have been obvious to have located these elements outside of the housing, the motivation being the teachings of Brugerolle et al. (5,472,024) that such is advantageous for a welding gas supply (see figures 3 and 5, elements 34 and 59 in Brugerolle et al. (5,472,024)).

9.) Claims 11-14, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with the German document no. G8308999.3U1 as applied to claims 3, 4, and 7 above, and further in view of Wilson (3,458,681). It would have been obvious to have provided the Japanese document no. JP60-64769A with an external gas connection in view of the teachings of Wilson (3,458,681) as discussed above.

10.) Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Japanese document no. JP60-64769A taken with the German document no. G8308999.3U1 and Wilson (3,458,681) as applied to claims 11-14, 16, and 17 above, and further in view of Fronius

Art Unit: 1725

(4,521,672). It would have been obvious to have used the power supply claimed in view of the teachings of Fronius (4,521,672) as discussed above.

11.) The Soviet inventor's certificate no. SU245241 is cited to show a prior art welding power supply housing with a gas supply enclosed therein. The Japanese document JP53-67657A is cited to show a prior art welding power supply that includes an inverter and an energy storage device. The patent to Chandler et al. (6,225,596) and the German document no. DE2650522A are cited to show prior art portable welding machines that include internal wire feed systems.

Any inquiry concerning this communication should be directed to Clifford C Shaw at telephone number 571-272-1182. The examiner can normally be reached on Monday through Friday of the first week of the pay period and on Tuesday through Friday of the second week of the pay period.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Thomas G. Dunn, can be reached at 571-272-1171. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

Art Unit: 1725

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Clifford C Shaw
Primary Examiner
Art Unit 1725

February 17, 2005